

SCF:JEG

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11-234

- - - - -X

UNITED STATES OF AMERICA

- against -

BALWANT SINGH,
also known as
"Chaman Singh Virk,"

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE NORTHERN
DISTRICT OF CALIFORNIA

(Fed. R. Crim. P. 5(c))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

KENT ANDERSON, being duly sworn, deposes and says that he is a Special Agent with the United States Department of State, Diplomatic Security Service, duly appointed according to law and acting as such.

Upon information and belief, on October 26, 2010, an arrest warrant was issued by the United States District Court for the Northern District of California, commanding the arrest of the defendant BALWANT SINGH, also known as "Chaman Singh Virk," pursuant to a criminal complaint charging him with making false statements in an application for a United States passport in violation of Title 18, United States Code, Section 1542.

The source of your deponent's information and the grounds for his belief are as follows:

1. On October 26, 2010, an arrest warrant was issued by the United States District Court for the Northern District of California, commanding the arrest of the defendant BALWANT SINGH, also known as "Chaman Singh Virk," pursuant to a criminal

complaint charging him with making false statements in an application for a United States passport in violation of Title 18, United States Code, Section 1542. A copy of the arrest warrant and criminal complaint are attached hereto.

2. The pending charges against the defendant in the Northern District of California stem from the fact that the defendant has fraudulently assumed the identity of a deceased individual named "Chaman Singh Virk." Using that false identity, the defendant applied for and was granted legal permanent resident status in the United States. The defendant ultimately became a naturalized United States citizen using the identity "Chaman Singh Virk".


3. On March 3, 2011, at approximately 6:50 a.m., agents from the United States Department of State arrested the defendant at 87-66 118th Street, Queens, New York. The defendant had previously provided that address to agents in October 2010, when he was interviewed at John F. Kennedy International Airport after he had arrived on an inbound flight from London, England.

4. During the morning of March 3, 2011, agents conducted surveillance of 87-66 118th Street. After a period of time, agents observed an individual who resembled the defendant, based on photographs of the defendant obtained from the Department of Motor Vehicles. The defendant also resembled the individual depicted in the photograph taken in connection with the fraudulent passport application with which he is charged in California. Agents then approached the defendant, and asked that

he identify himself. The defendant replied by stating that his name was "Chaman Virk," an alias used by the defendant. Agents also asked the defendant to produce identification documents. In response to the agents' inquiry, the defendant stated that he had no such identification, because it had previously been confiscated in connection with the investigation that ultimately led to his being charged.

5. It is the desire of the United States Attorney for the Northern District of California that the defendant BALWANT SINGH, also known as "Chaman Singh Virk," be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant, BALWANT SINGH, also known as "Chaman Singh Virk," be removed to the Northern District of California so that he may be dealt with according to law.



KENT ANDERSON
Special Agent
United States Department of State
Diplomatic Security Service

Sworn to before me this
3rd day of March, 2011

THE HONORABLE JOAN M. AZRACK
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK



NEW YORK FIELD OFFICE

1 Executive Drive/5th Floor

Fort Lee, NJ 07024

201-346-8100 main

201-944-5106 fax



AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

BALWANT SINGH,
A/K/A CHAMAN SINGH VIRK

Defendant

Case No.

8 10 70918

JCS

E-filing

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) BALWANT SINGH, A/K/A CHAMAN SINGH VIRK

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

False statement in application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for her own use or the use of another, in violation of Title 18, United States Code, Section 1542.

Date: 10/26/10

Issuing officer's signature

City and state:

SF, CA

JOSEPH C. SPINA
UNITED STATES MAGISTRATE JUDGE

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of CaliforniaUnited States of America
v.
BALWANT SINGH,
AK/A CHAMAN SINGH VIRK

Case No.

3 10 7 09 18
B 110120001

JCS

Defendant(s)

E-filing

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 26, 2008 in the county of Lake in the
Northern District of California, the defendant(s) violated:Code Section
18 U.S.C. § 1542

Offense Description

The defendant willfully and knowingly made a false statement in an application for a passport with the intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF DSS SPECIAL AGENT JEREMIAH SAARI

☒ Continued on the attached sheet

Approved as to form:

SAUSA Acadia Senese

Complainant's signature

SA Jeremiah Saari
Printed name and title

Sworn to before me and signed in my presence.

Date:

10/26/10

Judge's signature

City and state: San Francisco, CAHonorable Joseph C. Spero
Printed name and title

UNITED STATES DISTRICT COURT)
) ss. AFFIDAVIT
NORTHERN DISTRICT OF CALIFORNIA)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

CHARGING BALWANT SINGH

A/K/A CHAMAN SINGH VIRK

WITH VIOLATING 18 U.S.C. § 1542;

FALSE STATEMENT IN APPLICATION FOR A PASSPORT

I, Jeremiah Saari, being duly sworn, depose and state:

Introduction

1. I am a Special Agent employed by the Diplomatic Security Service (DSS) which is an agency of the United States Department of State. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud and to apply for and serve arrest warrants.

2. I possess a bachelor's degree from Augsburg College in Minneapolis Minnesota and I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program. I have been employed by DSS since June 2009, and have received and continue to receive, on an ongoing basis, training in the laws, rules and regulations concerning passports.

3. This affidavit is based in part upon my personal knowledge and the review of various records and documents obtained during this investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation, however, no detail or fact that would potentially negate probable cause has been excluded.

Subject of the Investigation

4. This affidavit establishes probable cause to arrest Balwant SINGH for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. Balwant SINGH is alleged to have applied for a passport under the false name of Chaman SINGH VIRK.

Applicable Law

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States

Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, such as a naturalization certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

6. Title 18 U.S.C. § 1542 states, in pertinent part, "Whoever willfully and knowingly makes any false statement in an application for a passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for their own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws...shall be fined under this title...or imprisoned not more than 10 years...or both."

Facts Supporting Probable Cause

7. On or about September 26th, 2008, an individual who identified himself as Chaman SINGH VIRK (SUBJECT), applied for a U.S. passport at the Clearlake Post Office which is in the Northern District of California. On this application, the SUBJECT indicated that his father was Ajit Singh VIRK and that his name was Chaman SINGH VIRK. Furthermore, the SUBJECT presented a United States Naturalization Certificate and a California driver's license in the same name of Chaman SINGH VIRK.

8. This application was referred to DSS for criminal investigation after Jagtar SINGH was removed from the United States. In an interview with Customs and Border Patrol Agents, Jagtar SINGH admitted to falsely immigrating to the United States by purchasing and assuming the identity of Ajit Singh VIRK. He further admitted that he arrived in the United States with the SUBJECT, and falsely held himself out to be the father of the SUBJECT.

9. On August 15th, 2008, the American Embassy in Ottawa, Canada received a detailed informant letter alleging that Ajit Singh VIRK and Chaman Singh VIRK were both deceased, and that the individual using Chaman SINGH VIRK's identity is Balwant SINGH. To substantiate the claim, the informant included Indian death certificates indicating Ajit SINGH died in 1995 and Chaman SINGH in 1988. Also included was a 2005 wedding photo and program for the wedding of Balwant SINGH to Parminder Kaur and a Canadian Immigration form for Lakhwinder Singh Bhatti who listed his brother as Balwant SINGH and his father as Bachittar Singh Bhatti.

10. On June 29th 2009, United States Customs and Border Protection Officers interviewed Jagtar SINGH at the San Francisco International Airport. Jagtar SINGH admitted to the officers that he had paid Rajinder Kaur and an agent in India, to immigrate to the United

States as the true husband of Rajinder Kaur, Ajit Singh VIRK, and that his true name was in fact Jagtar SINGH. Jagtar SINGH was deported from the United States on October 14th 2009.

11. On December 1st, 2009, DSS Agent submitted a lead request to the US Embassy in New Delhi to confirm the authenticity of a death certificate for Chaman SINGH. On Decemeber 24th 2009, the Jalandhar District Register confirmed that authenticity of the death certificate provided by the informant letter. Chaman SINGH died in India on 08/01/1988.

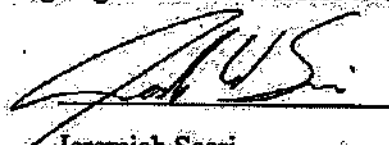
12. On March 3, 2010, I spoke with the owner of Time to Shop, in Clearlake, California and the previous employer of SUBJECT. He told me that he had given SUBJECT a job because he knew SUBJECT's father, Bachittar SINGH, from India. He also told me that SUBJECT has a brother in Canada named Lakwinder SINGH.

13. On October 5, 2010, SUBJECT was interviewed by DSS agent Werner Tsin at the John F. Kennedy airport. The SUBJECT was read his Miranda Rights. The SUBJECT was asked if he knew Bachittar Singh (the father of Balwant Singh, the SUBJECT'S true identity), which he denied. A search of the SUBJECT'S personal effects revealed the name "Bachittar Singh," along with an address, in a notebook.

Conclusion

13. Based on the facts and information detailed in this affidavit, I believe probable cause exists that Balwant SINGH made a False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he falsely stated that he was Chaman Singh VIRK and his father is Ajit Singh VIRK on the passport application submitted at the Clearlake Post Office. As such, I respectfully request a warrant for his arrest.

14. Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.



Jeremiah Saari
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON October 26th, 2010



THE HONORABLE JOSEPH C. SPERO
United States Magistrate Judge
Northern District of California